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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,962	01/05/2000	BEN SHEN	2500.125US2	9979

7590 09/27/2004

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EXAMINER

KERR, KATHLEEN M

ART UNIT	PAPER NUMBER
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1652

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

09212004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The amendment filed on July 19, 2004 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. ' 1.121, as amended on June 30, 2003 (see 68 Fed Reg. 38611, June 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 C.F.R. ' 1.121(h).

The amendments to the claims are non-compliant for the following reasons:

- a) The text of Claims 13 and 14 is not the previously pending text as filed on July 3, 2003 (see attached copy of that amendment filed by Applicant). In line 2 of the claims, "encoding a protein" is missing, and in claim 13, line 3, the "AND" should not be in capital letters.
- b) The text of Claim 40 is not the previously pending text as filed on July 3, 2003. The phrase "comprising a nucleic acid" is previously pending as ---comprising the nucleic acid---, and the marked through claim numbers are not as previously pending which were ---1, 2, 3, 9, 10, 12, 13, 14, and 21---.
- c) In original Claim 44, the term "Streptomyces" is in italics.

Since the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 C.F.R. ' 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 C.F.R. ' 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 C.F.R. ' 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Kerr whose telephone number is (571) 272-0931. The examiner can normally be reached on Monday through Friday, from 9:00am to 6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupura Achutamurthy can be reached on (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Kathleen M Kerr
Primary Examiner
Art Unit: 1652